

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARTHUR BEKKER, *individually, on behalf of a class
of all other persons similarly situated, and on behalf
of the Neuberger Berman 401(k) plan,*

Docket No. 1:16-cv-06123-LTS-BCM

Plaintiff,

Oral Argument Requested

v.

NEUBERGER BERMAN GROUP LLC 401(K)
PLAN INVESTMENT COMMITTEE,

Defendant.

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NOTICE OF DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law; the Statement of Undisputed Materials Facts submitted pursuant to Local Rule 56.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York; the Declarations of James A. Cropper, Wayne Klieger, and Nicole Lamoreux dated September 30, 2016, and the exhibits attached thereto; the Supplemental Declaration of James A. Cropper dated September 13, 2019, and the exhibits attached thereto; and the Declaration of Myron D. Rumeld dated September 13, 2019, and the exhibit attached thereto, Defendant Neuberger Berman Group 401(k) Plan Investment Committee (the "Committee") will, and hereby does, move this Court, before the Honorable Laura Taylor Swain, United States District Judge, in the Daniel Patrick Moynihan United States Courthouse, Courtroom 17C, 500 Pearl Street, New York, New York 10007-1312, at a date and time to be set by the Court, for an Order entering judgment as a matter of law in favor of the Committee and against the Plaintiff, pursuant to Federal Rule of Civil Procedure 56, on the ground that Plaintiff's claims are time-barred. This motion is being filed pursuant to a briefing schedule agreed to by the parties and endorsed by the Honorable Barbara Moses, United States Magistrate Judge, on May 21, 2019. (Dkt 101.) The

parties have, throughout these proceedings, conferred regarding the matters raised in the Committee's submission and have been unable to resolve them informally.

Dated: September 13, 2019
New York, NY

Respectfully submitted,

PROSKAUER ROSE LLP

By: /s/ Myron D. Rumeld
Myron D. Rumeld

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